



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Frank Brzozowski

Serial No.: 10/648,508

Filed: August 25, 2003

For: Configurable Eyewear

Group Art Unit: 2873

Examiner: Huy Kim Mai

---

Honorable Commissioner for Patents  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION, REQUEST FOR RECONSIDERATION, AND  
AMENDMENTS**

Dear Sir:

In connection with the Office Action mailed on March 24, 2005, and the Notice Requiring Excess Claims Fees, which was mailed on August 4, 2005, Applicant submits the following response and request for reconsideration, which is amended to amend withdrawn Claims to canceled Claims:

**35 U.S.C. § 112**

Applicant has written claim 23 in new claim 50, as suggested by the Examiner.

Applicant traverses the Examiner's rejection of Claims 34, 36 and 37 and requests reconsideration because the specification and the drawings show that the lenses actually may include, as part of the lens, a rotator, peripheral member and memory member.

Claim 43 has been canceled.

Claim 44 has been rewritten in new claim 46, as suggested by the Examiner. In addition, hoods and helmets have been added to the list.

**35 U.S.C. § 102**

Stewart only discloses prescription eyeglasses. Accordingly, Applicant has rewritten claims 19, 20, 22 - 24 and 44 as claims 46, 47, and 49 - 51 to include numerous types of eyewear other than and prescription eyeglasses in the list of eyewear claimed.

In addition, Stewart does not disclose a peripheral edge having at least one mating member and at least one peripheral member having at least one mating member whereby the peripheral member mating member engages the peripheral edge mating member. Accordingly, Applicant has added claims 77 through 85.

Applicant traverses Examiner's rejection of claims 34 - 37 and requests reconsideration, as Stewart does not disclose a lens that has a rotator, turning member,

peripheral member or memory member that could be a part of the lens.

Applicant traverses Examiner's rejection of claim 38 and requests reconsideration as Figure 3 in Werling, Sr. discloses a protrusion, and not a cut-out.

### **35 U.S.C. § 103**

Claim 21 has been canceled and rewritten as claim 48, which includes a variety of eyewear that is not disclosed in Stewart or Morrison.

Claim 43 has been canceled.

### **Allowable Subject Matter**

Claims 30 - 34 have been canceled and rewritten as suggest by Examiner in new claims 58 through 61.

In addition, claims 62 through 76 have been added, as they relate to the allowable subject matter.

### **Amendments**

In connection with the Restriction Requirement Office Action mailed on November 10, 2004, and Applicant's election of Claims 19 - 38, 43 and 44, which was filed on December 10, 2004, please cancel Claims 1 - 18, 39 - 42, and 45, and in connection with the Office Action mailed on March 24, 2005, the please amend the remaining Claims, as follows: